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UNCLAS SECTION 01 OF 02 KABUL 000538

SIPDIS

DEPT FOR SA/FO AMBASSADOR QUINN, S/CT, SA/A, G KATE
FRIEDRICH, G/IWI CHARLOTTE PONTICELLI AND DIANNE GRAHAM
NSC FOR AHARRIMAN, KAMEND
CENTCOM FOR POLAD, CG CFC-A, CG CJTF-76
TREASURY FOR LMCDONALD, WBALDRIDGE, APARAMESWARAN, ABAUKOL
STATE PASS USAID FOR AID/ANE, AID/DCHA/DG

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [KDEM](#) [PGOV](#) [KDEM](#) [AF](#) [AFPREL](#)

SUBJECT: PRT/GHAZNI: JUSTICE REFORMS MAINTAIN MOMENTUM

REF: KABUL 5234

1. SUMMARY: The Ghazni Judicial Conference, held December 14-15, 2005, brought key GOA officials from the Supreme Court, Ministry of Justice and Ministry of Interior to Ghazni to meet with provincial justice officials and to review how well the Ghazni justice system complies with proper judicial procedures (REFTEL). The conference was facilitated by CFC-A, USAID, DoS (INL/JSSP), and the Ghazni PRT. All participants considered the conference a success, in that it identified material and procedural problems and opened lines of communication between the central and provincial governments. Participants identified several action items for improving coordination within the Ghazni justice system, especially in regard to ensuring that prisoners' cases are processed within the legal time limits allotted by law. It was agreed that Kabul officials would return to Ghazni in mid-February for a 60-day follow-up meeting; in the meantime, PRT Ghazni is meeting with justice officials to check on progress and help sustain momentum. END SUMMARY.

PRT FOLLOW-UP

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2. Over the last two weeks PRT officers, including CDR and Department of State representative, have met with the Ghazni Chief Prosecutor, Assistant Prosecutor, Chief Judge, Deputy Police Chief (the Police Chief had not yet returned from the hajj), and the Prison Director. We have also visited the Ghazni Provincial Prison to monitor the conditions of prisoners. During these visits, we discussed with each official what actions they have taken since the December conference, and provided them with copies of the minutes generated by the Ministry of Justice for the December meeting. None of the Ghazni officials had received the minutes through their own government channels.

ACTIONS TAKEN SINCE LAST MEETING

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3. Ghazni provincial officials have formed an inter-departmental judicial committee that meets weekly to identify problems, coordinate procedures and review individual prisoners, cases. The committee consists of the Chief Judge (chair), Deputy Police Chief, Assistant Prosecutor, and Prison Director. The committee has met twice so far (they missed a couple of weeks because of Eid), and is working on a report identifying procedural problems in Ghazni. The report will be forwarded to the Supreme Court and Ministries of Justice and Interior in Kabul. At our meeting with the committee, we noted that its establishment seems to have resulted in more collegial working relationships and a palpable sense of enthusiasm, although concrete results are limited this early in the process.

4. PRT has delivered three whiteboards and a set of whiteboard markers to the Ghazni provincial prison. As agreed at the conference, these whiteboards will be posted in the main cellblock, where prisoners can see them. Prison officials will post on the boards the timeline for each prisoner's case - i.e. arrest date, 30-day prosecution period, 30-day court period, etc. This will allow prisoners to keep track of whether they are being held within the lawful time periods.

5. PRT has also delivered USAID-printed basic legal texts to the Ghazni Chief Prosecutor, Chief Judge, and the prison, and to district centers. We also provided about 200 copies of a card which outlines prisoners, rights in Pashto and Dari to the Ghazni Prison, to be given to each prisoner when he or she arrives.

6. PRT and CFC-A have discussed the possibility of a "mobile court" concept for Ghazni and/or Wardak, which would begin to address one of the justice system's most pressing problems -- transportation. Further work is needed in this area, specifically caseload statistics by district so that we can determine how many vehicles might be necessary.

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17. PRT provided copies of the minutes from the December conference to the Ghazni governor, justice officials, and to the Ghazni Provincial Council.

REMAINING QUESTIONS

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18. Most of the action items identified at the December conference were procedural issues which require resolution at the ministry level in Kabul. One key question is which judicial department has the authority to release prisoners who have been held longer than the legal time limits. We look forward to updates on these action items at the 60-day follow-up meeting in February.

NEUMANN